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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,161	02/04/2002	Dennis Robert Kliegle	24950A	4940
22889	7590	07/11/2005	EXAMINER	
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			GREEN, CHRISTY MARIE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/067,161

Applicant(s)

KLIEGLE ET AL.

Examiner

Christy M. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 38-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

5.00

### **DETAILED ACTION**

This is a fifth office action for serial number 10/067161, entitled Suspended Ceiling Panel Edge and Rib Technology, filed on February 4, 2002.

#### ***Response to Amendment***

In response to the examiner's office action dated December 8, 2004, the applicant has appeared to have amended claim 1, although the status identifier is stating claim 1 as "Original", the examiner is taking notice that claim 1 is "Currently Amended"; also regarding claim 39, the status identifier is stating "Currently Amended" however there appears to be no amendments made to the claim, the examiner will interpret claim 39 to be as "Previously Presented" as within the amendment filed 9/27/04; if this is an error, proper correction is needed. Claims 3 and 13-37 are indicated as being canceled.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 39 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 39 and 40 are considered to be indefinite. Within claim 39, applicant states that there is an imaginary radius extending from a center point of the surface

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panel, and an imaginary plane substantially parallel to the back surface, it is unclear as to where exactly this imaginary radius and plane are supposed to be. Until further clarification, the examiner has interpreted the claim to the best of her ability and accordingly.

In claim 40, the applicant states that the first, second, third and forth surfaces together present a generally convex conformation, how is it that a plurality of surfaces, not even forming a semi-circular pattern can be in a generally convex conformation. Since the claim limitations are found to be readable on the first, second, third and forth surfaces in relation to the front and back surfaces, they will be considered accordingly until further clarification is made.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

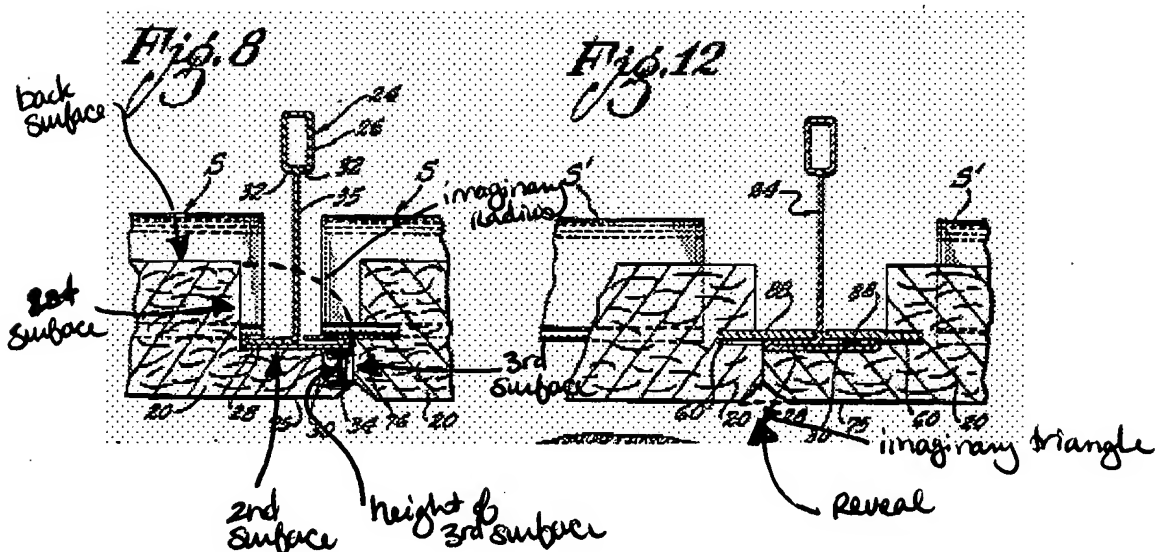
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-7, 10-12, 38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanley, US patent # 3,032,833.

Stanley discloses the claimed invention a surface panel (20) with a major and minor dimension and a thickness dimension, a side edge of the panel corresponding to the thickness dimension, a face surface (at 75 – figure 8) of the panel facing toward a room and substantially coplanar with a plane defined by the major and minor dimensions, a back surface (see figure 8 on the next page) of the panel being opposite

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of the face surface, the panel edge is multifaceted and includes a first surface intersecting the back surface (see figure 8 below), a second surface intersecting the first surface and substantially parallel to the face surface (at 75), a third surface (figure 8 below) intersecting the second surface and substantially orthogonal to the face surface, and a fourth surface (figure 3 below) intersecting and being beveled relative to the third surface, two of the surface panels (20) are located adjacent one another, the third surfaces abut without intervening framing material (figure 8), and the fourth surface is arranged so as to represent a surface of a triangularly grooved reveal (figure 12 below); the fourth surface intersects the face surface (at 75); the first surface is substantially orthogonal to the back surface (figure 8); the surface panel is a ceiling panel for suspended ceiling (shown in figure 10); the surface panel is a wall panel (interpreting the ceiling to be a wall); a height of the third surface is about half of the distance between the second surface and the face surface (see figure 8 below); the fourth surface is a continuous surface (by continuing into the face surface and the third surface); the third surface is more outboard, relative to an imaginary radius (figure 8 below) extending from a center point of the panel and sweeping out an imaginary plane



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substantially parallel to the back surface, than the first surface; the first, second, third and fourth surfaces together present a generally convex conformation (figure 8); the fourth surface is substantially planar (figure 8).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanley.

Stanley discloses the claimed invention as stated above in claim 1; including the bevel of the fourth side defines an imaginary triangle having a first side, a second side has a hypotenuse (see figure 12 on previous page)

Stanley does not disclose the distance between the second surface and the face surface is 15/16 inch, a length of the third surface is about 15/32 inch, the first side coplanar with the third surface about 15/32 inch, the second side having a length, L, in range of about 1/16 inch, L about 1/2 inch. It would have been an obvious matter of design choice to provide these dimensions, since such a modification would have involved a mere change in the size of a component, and since the applicant has not disclosed that these dimensions are for a particular purpose and it seems that the invention performs equally well as taught by Stanley. A change in size is generally recognized as being within the level of ordinary skill in the art. Also, it has been held

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that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 4-12, 38-41 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M. Green whose telephone number is 571-272-6844. The examiner can normally be reached on M,T,TH 10:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cg

June 30, 2005

  
Naoko Slack  
Primary Examiner